

Order

Michigan Supreme Court
Lansing, Michigan

September 5, 2014

Robert P. Young, Jr.,
Chief Justice

148874

Michael F. Cavanagh
Stephen J. Markman
Mary Beth Kelly
Brian K. Zahra
Bridget M. McCormack
David F. Viviano,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 148874
COA: 319114
Wayne CC: 07-024234-FC

MAURICE SEAN LEONARD,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the January 15, 2014 order of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REMAND this case to the Court of Appeals for reconsideration of the defendant's November 15, 2013 application for leave to appeal under the standard applicable to direct appeals. The defendant's attorney acknowledged in his motion to reissue judgment of sentence that the delay in filing the defendant's application for leave to appeal was due to the attorney's failure to locate the correctional facility in which the defendant was incarcerated. Accordingly, the defendant was deprived of his direct appeal as a result of constitutionally ineffective assistance of counsel. See *Roe v Flores-Ortega*, 528 US 470, 477; 120 S Ct 1029; 145 L Ed 2d 985 (2000); *Peguero v United States*, 526 US 23, 28; 119 S Ct 961; 143 L Ed 2d 18 (1999).

We do not retain jurisdiction.



s0825

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 5, 2014


Clerk